

held that the Appellate Court will not take judicial notice of the rules of the inferior Court, at least if the action of that Court is to be reversed thereby, which therefore, whenever it is necessary, must be set out in a bill of exceptions, *Benson v. Davis*, 6 H. & J. 273; *Kunkel v. Spooner*, 9 Md. 463; *Robinson v. Commissioners of Harford Co.*, 12 Md. 132; *Rutherford v. Pope*, 15 Md. 579; *Cherry v. Baker*, 17 Md. 75; *Morrison v. Welty*, 18 Md. 169; *Sellers v. Zimmerman*, 18 Md. 255; *Washington and Baltimore Turnpike Co. v. State*, 19 Md. 239; *Matthews, &c. v. Dare, &c.*, 20 Md. 248; *Howard v. Carpenter*, 22 Md. 249; *Horner v. O'Laughlin*, 29 Md. 465.¹⁶

Connection between bills of exception.—Where several exceptions are taken, each is generally referred to and made part of the others in succession, the rule being that bills of exception unless connected are to be considered separate, and the Court will not look for any fact into another exception, see *Gist v. Cockey*, 7 H. & J. 141; *Armstrong v. Thruston*, 11 Md. 148.¹⁷ And the use of this appears from *Hopkins v. Kent*, 17 Md. 113, where what was called the first exception was not signed, having only a seal attached to it, but was made part of a so-called second exception signed and sealed by the judge, and it was held that the recognition by him of a *first* exception sufficiently authenticated the facts contained in it for the action of the Court, and see *Ellicott v. Love*, 6 Md. 509; *B. & O. R. R. Co. v. State*, 30 Md. 47.¹⁸

But in *Cooke v. Cooke*, 29 Md. 538, the Court said it "is no doubt well settled, that unless bills of exception are connected by express reference to each other, or by the use of words which fairly import such connection, they will be considered separate and distinct, and the Court will look to and consider only the evidence set out in each exception, *Gist v. Cockey*, 7 H. & J. 134; *Burtles v. the State*, 4 Md. 275; *Armstrong v. Thruston*, 11 Md. 157. But the rule laid down in these cases does not apply to the case under consideration; in this case there is error in law sufficiently appearing in the exception now under consideration, taken by itself, for which this Court must reverse, unless it appears that the appellant was not injured thereby. To determine this the Court must look at and consider all the evidence in the record, and it is not confined to that" which is set out in the particular exception which the Court has been considering.

Exceptions by a party not appealing.—Exceptions by a party not appealing cannot be introduced into the record by the other party, *Hoffman v. Coombs*, 9 Gill, 284.¹⁹ This, however, must be understood as meaning that they will not be acted on at the instance of the latter, *Negro Frank-*

¹⁶ *Tyler v. Murray*, 57 Md. 418; *Allen v. Sowerby*, 37 Md. 410; *Carter v. R. R. Co.*, 112 Md. 599.

¹⁷ *Bell v. State*, 57 Md. 108; *Modern Woodmen v. Cecil*, 108 Md. 357, 366. As to what is a sufficient connection between bills of exception, see *Di Giorgio v. R. R. Co.*, 104 Md. 693; *Brashears v. Orme*, 93 Md. 442; *Turnpike Co. v. Hebb*, 88 Md. 132; *Rowe v. R. R. Co.*, 82 Md. 493; *Ruhl v. Corner*, 63 Md. 179.

¹⁸ *Cooper v. Holmes*, 71 Md. 20; *Schaeffer v. Ins. Co.*, 80 Md. 563.

¹⁹ See *Stockbridge v. Franklin Bank*, 86 Md. 189.